

REMARKS

Favorable reconsideration of this application as presently amended and in light of the following discussion is respectfully requested.

Claims 1-20 are pending in this application, Claims 1, 8-10, and 17-19 having been presently amended; and Claim 20 having been added. Support for amended Claims 1, 8-10, and 17-19 can be found, for example, in the original claims, drawings, and specification as originally filed.¹ No new matter has been added.

In the outstanding Office Action, Claims 1-8 were rejected under 35 U.S.C. §101; and Claims 1-18 were rejected under 35 U.S.C. §103(a) as unpatentable over Kikuchi et al. (U.S. Patent Publication No. 2002/0010740; hereinafter “Kikuchi”) in view of Asahi et al. (U.S. Patent Publication No. 2002/0114455; hereinafter “Asahi”) and Okada et al. (U.S. Patent No. 6,560,404; hereinafter “Okada”).

In response to the rejection of Claims 1-8 under 35 U.S.C. §101, Applicants respectfully traverse the rejection.

Applicants note that Claims 1-8 are directed to a communication apparatus and recite means-plus-function terminology. Proper claim interpretation of a means-plus-function (35 U.S.C. § 112, 6th paragraph) element entails consideration of the structures disclosed in the specification and equivalents thereof. In determining the scope of the claims prior to determining compliance with each statutory requirement for patentability, MPEP § 2106 provides:

Office personnel are to correlate each claim limitation to all portions of the disclosure that describes the claim limitation. This is to be done in all cases, i.e., whether or not the claimed invention is defined using means or step plus function language. The correlation step will ensure that office personnel will correctly interpret each claim limitation. (emphasis added).

¹ See page 29, line 4 to page 31, line 22 of the specification; and Figure 10.

Thus, Applicants respectfully submit that the rejection under 35 U.S.C. § 101 of at least Claims 1-8 are improper as these claims clearly recite apparatus claim limitations, and are not directed towards electromagnetic signals. Accordingly, Applicants respectfully request that the rejection under 35 U.S.C. §101 be withdrawn.

In response to the rejection of Claims 1-18 under 35 U.S.C. §103(a) as unpatentable over Kikuchi in view of Asahi and Okada, Applicants respectfully request reconsideration of the rejection and traverse the rejection as discussed next.

Applicants' independent Claim 1 is directed to a communication apparatus including, *inter alia*:

a processor;

reception means for receiving a retrieval keyword, used to request contents, transmitted from an external device;

retrieval means for retrieving contents from a database based on the retrieval keyword received by the reception means;

page information generation means for generating page information, including list information of contents retrieved by the retrieval means, to be displayed on the external device, and appending notification information that displays whether or not the page information is provided with a consecutive reproduction function of making the external device consecutively reproduce audibly and/or visually part of the retrieved contents included in the list information respectively to the page information; and

transmission means for transmitting the page information generated by the page information generation means to the external device.

Page 4 of the outstanding Office Action acknowledges that Kikuchi fails to describe “appending notification information” and “consecutively reproduced audibly and/or visually part of the retrieved contents included in list information.” In an attempt to remedy the above-identified deficiency of Kikuchi, the outstanding Office Action cites Asahi. However, Asahi fails to teach or suggest “generating page information, including list information of

contents retrieved by the retrieval means, to be displayed on the external device, and ***appending notification information that displays whether or not the page information is provided with a consecutive reproduction function of making the external device consecutively reproduce audibly and/or visually part of the retrieved contents*** included in the list information respectively to the page information,” as recited in Applicants’ independent Claim 1.

Page 5 of the outstanding Office Action asserts that Asahi describes “appending notification information that displays whether or not the page information is provided with a consecutive reproduction function of making the external device consecutively reproduce part of contents included in the list information respectively to the page information. (Asahi: paragraph [0027], lines 1-17, “successive copy.””) Applicants respectfully disagree.

Paragraphs [0026] and [0027] of Asahi state:

The encoder 314 converts the input from the selector 319 to produce one or more copies of encoded digital content ***on the basis of the one or more encoding parameters input from the encoding parameter generator 315*** and outputs the encoded content which is then supplied to the encryption mechanism 316. Each copy of encoded digital content supplied to the encryption mechanism 316 is an encoded version of the digital content received at the digital content input 201 that has been encoded based on the encoding parameter.

In one embodiment, the encoder 314 applies each of the one or more encoding parameters to the input received from the encoding parameter generator 315 to produce the one or more copies of encoded digital content. ***Alternatively, each successive copy of encoded digital content may be produced from a preceding copy of encoded digital content. Thus, for example, a first encoding parameter is applied to the input received from the encoding parameter generator 315 to produce a first copy of encoded digital content.*** Next, a second encoding parameter is applied to the first copy of encoded digital content to produce a second copy encoded digital content. A third encoding parameter is applied to the second copy of encoded digital content to produce a third copy of encoded digital content, and so on. Variations of this alternative are possible; for example, the same encoding parameter can be

used to produce the second and third (and subsequent) encoded digital content (Emphasis added).

However, paragraph [0027] of Asahi merely describes that an encoder 314 applies one or more encoding *parameters to an input* received from an encoding parameter generator 315 to produce one or more copies of encoded digital content. Asahi also describes that each successive copy of encoded digital content may be produced from a preceding copy of encoded digital content. Thus, Asahi at paragraph [0027] merely describes *producing* multiple copies of encoded digital content. Asahi does not describe appending notification information to page information (that is generated by the page generation means and is displayed on the external device) including list information of contents retrieved by the retrieval means, and that the notification information displays whether or not the page information is provided with a consecutive reproduction function making *the external device consecutively reproduce audibly and /or visually* part of the *retrieved contents* included in the list information.

In other words, in Asahi, there is *no displaying of notification information* that displays whether or not the page information has a consecutive reproduction function which makes the external device consecutively reproduce audibly and/or visually retrieved contents. As described above, in Asahi, the encoding parameters facilitate the copying of digital contents, but the encoding parameters are not notification information that displays whether page information (including list information of contents that have been received) can be consecutively *reproduced audibly and/or visually*.

Accordingly, Applicants respectfully submit that independent Claim 1 (and all claims depending thereon) patentably distinguishes over Kikuchi, Asahi, and Okada.

Independent Claims 8 and 9 are directed to a communication method and a computer readable medium, respectively, and recite, *inter alia*,

...generating page information, including list information of retrieved contents, to be displayed on the external device, and appending notification information that displays whether or not the page information is provided with a consecutive reproduction function of making the external device consecutively audibly and/or visually reproduce part of the retrieved contents included in the list information respectively to the page information....

Thus, Applicants respectfully submit that independent Claims 8 and 9 (and all claims depending thereon) are patentable for at least the reasons discussed above.

Independent Claim 10 is directed to communication apparatus including, *inter alia*:

... page information reception means for receiving page information, including list information of contents, to be displayed on the external device and notification information indicating that part of respective contents included in the list information can be consecutively reproduced audibly and/or visually, which are transferred from the external device in answer to the request information requesting the list information

Thus, Applicants respectfully submit that independent Claim 10 (and all claims depending thereon) is patentable for at least the reasons discussed above.

Independent Claims 17 and 18 are directed to a communication method and computer readable storage medium, respectively, including the step of

... receiving page information, including list information of contents, to be displayed on the external device and notification information indicating that part of respective contents included in the list information can be consecutively reproduced audibly and/or visually, which are transferred from the external device in answer to the request information requesting the list information....

Thus, Applicants respectfully submit that independent Claims 17 and 18 are patentable for at least the reasons discussed above.

Independent Claim 19 is directed to a communication apparatus that retrieves contents and provides thus retrieved contents, including

...a page information generation unit configured to generate page information, including list information of contents

retrieved by the retrieval unit, to be displayed on the external device, and appending notification information that displays whether or not the page information is provided with a consecutive reproduction function of making the external device consecutively reproduce audibly and/or visually part of the retrieved contents included in the list information respectively to the page information....

Applicants respectfully submit that independent Claims 19 is also patentable for at least the reasons discussed above.

Accordingly, Applicants respectfully request that the rejection of Claims 1-19 under 35 U.S.C. §103(a) as unpatentable over Kikuchi in view of Asahi be withdrawn.

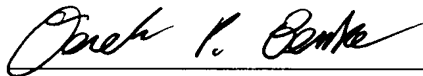
In order to vary the scope of protection recited in the claims, new Claim 20 is added. New Claim 20 finds non-limiting support in the disclosure as originally filed, for example at Figure 8.

Therefore, the changes to the claims are not believed to raise a question of new matter.²

Consequently, in view of the present amendment, and in light of the above discussion, the pending claims as presented herewith are believed to be in condition for formal allowance, and an early and favorable action to that effect is respectfully requested.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.



Bradley D. Lytle
Attorney of Record
Registration No. 40,073

Customer Number
22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
(OSMMN 08/07)
DPB/rac

Derek P. Benke
Registration No. 56,944

I:\ATTY\DPB\27's\279200US\279200US-AM3.doc

² See MPEP 2163.06 stating that "information contained in any one of the specification, claims or drawings of the application as filed may be added to any other part of the application without introducing new matter."